

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
) Case No. 1:12-CR-111
v.)
)
TOMMY POINDEXTER)) COLLIER/CARTER

REPORT AND RECOMMENDATION

A Forensic Report was received by the undersigned Magistrate Judge on February 11, 2013. It is the opinion of the examiner that defendant is currently competent to proceed with his case. Although he is diagnosed with post-traumatic stress disorder and depression, he does not display symptoms of a major mental illness, and at this point he displays no symptoms which would preclude his ability to understand the nature and consequences of the proceedings against him or to properly assist in his defense. It is noted that his depressive symptoms should continue to be monitored, especially in the case of a guilty verdict.

A Notice of Waiver of Competency Hearing signed by defendant and submitted by counsel was filed on March 5, 2013. I therefore RECOMMEND on the basis of the waiver and the report that defendant be found competent to stand trial.¹

S /William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE

¹Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Such objections must conform to the requirements of Rule 59(b)(2) of the Federal Rules of Criminal Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. *Thomas v. Arn*, 474 U.S. 140, 88 L.Ed.2d 435, 106 S.Ct. 466 (1985). The district court need not provide *de novo* review where objections to this report and recommendation are frivolous, conclusive or general. *Mira v. Marshall*, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. *Smith v. Detroit Federation of Teachers*, 829 F.2d 1370 (6th Cir. 1987).